



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2204747

Applicant Name: Steven Bull, for Martin Smith Development

Address of Proposal: 542 1st Av S

SUMMARY OF PROPOSED ACTION

Master Use Permit for future construction of a one-story addition plus mezzanine (15,996 square feet) to an existing three-story building, the Washington Shoe Building. The project includes future change of use from personal and household retail sales and service to eating and drinking establishment on the ground floor (12,812 square feet). It also includes change of use from personal and household retail sales and service on the second floor to administrative offices (12,745 square feet), and from custom and craft work on the third floor to administrative offices (12,989 square feet), for a total (with the addition of the fourth story and mezzanine to the building) of three floors of administrative office (for a building total of 41,730 square feet of administrative office use). Required parking for 13 vehicles is to be provided by covenant, unless the parking requirement is reduced or waived by Pioneer Square Preservation Board.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction

BACKGROUND DATA

Site and Vicinity

The site is located between 1st Avenue S. and Occidental Avenue S., midblock between S. King St. and Railroad Way S. The site is in the Pioneer Square Mixed zone with an 85 to 120 foot height limit (PSM 85'/120'). The site is in the Pioneer Square Preservation District.

Proposal Description

The proposal is to construct a one-story-plus-mezzanine addition to an existing three-story building. The addition will be used as administrative offices. The proposal includes: a change of use on the ground floor, 12,812 square feet in total, from personal and household sales and service to eating and drinking establishment; a change of use on the second floor, 12,745 square feet in total, from personal and household sales and service to administrative offices; a change in use on the third floor, 12,989 square feet in total, from custom and craft work to administrative offices.

The building at 542 1st Avenue, otherwise known as the Washington Shoe Building, is an unreinforced masonry bearing wall and heavy-timber structure which received substantial damage during the 6.8 magnitude Ash Wednesday earthquake of February 28, 2001. Extensive repairs and seismic upgrades, a new elevator and new stairs have been undertaken under construction Permit #731558. That work was approved by the Pioneer Square Preservation Board

Parking Waiver or Covenant

Parking is required in the Pioneer Square Preservation District, according to SMC 23.66.170A and 23.49.016. A carry-over for legal parking-deficits of legally established uses is allowed per SMC 23.54.015D. The proposed addition of a new floor containing administrative office creates a requirement for new parking per SMC 23.49.016. The total number of stalls required for this proposal is thirteen.

The applicant has made (April 14, 2003) a formal request to the Pioneer Square Preservation Board, per SMC 23.66.170B and SMC 23.66.016A2g, that the parking required for the single floor addition to the existing building at 542 First Avenue S. be waived. Following the DCLU SEPA threshold determination, the Pioneer Square Preservation Board and the Director, Department of Neighborhoods, will act upon the requested parking waiver.

In the event that the parking requirement for thirteen spaces is not waived or otherwise modified, the project must be revised to comply with parking requirements prior to issuance of the Master Use Permit. The applicant must provide parking off site and this parking must be secured by covenant per SMC 23.54.025. The covenant, between the owner of the Washington Shoe Building, the owner of the parking spaces and the City of Seattle stating the responsibilities of the parties shall be executed and recorded with the King County Department of Records and

Elections. A copy of this covenant with recording number and a plan showing parking layouts shall be submitted as part of any construction permit for the addition herein proposed.

Restrictive Covenant for Window Openings

The north wall of the Washington Shoe Building abuts the north property line of the proposal site and the wall of a one-story building known as the “Slugger” building. The applicant for this proposal intends to install windows in that portion of the Washington Shoe building which extends above the roof line of the Slugger building. To satisfy the building code issues raised in connection with obtaining a permit to create such window openings in the exposed north wall, the owner of the Washington Shoe building has been required by the City of Seattle to record a Restrictive Covenant against the 542 1st Avenue S. property. In the event the owner of the Slugger property obtains a permit or any other necessary approvals enabling it to make any occupiable improvement above the existing roof line of the Slugger building, the owner of the Washington Shoe building shall fill in or close up all windows and/or otherwise make such changes as are in accordance with whatever code and permitting requirements exist at that time. These and other terms for the express benefit of the owner of the Slugger property and the City of Seattle are included in the Restrictive Covenant (King Co. Recording # 20030903001760).

Public Comment

No comment letters were received during the official public comment period which ended July 9, 2003.

ANALYSIS – SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated March 6, 2003. Information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, “Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation” subject to some limitations. Under such limitations/circumstances (SMC25.05.665) mitigation can be considered. Thus a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

Construction impacts

The following temporary or construction-related impacts are expected: minor decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise, and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Street Use Ordinance requires debris to be removed from the street right-of-way, and includes regulations for maintaining circulation in the public right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. Most of these impacts are minor in scope and are not expected to have significant adverse impacts (SMC 25.05.794). However, due to the close proximity of nearby residences and businesses, further analysis of construction impacts is warranted. The following is an analysis of the short-term impacts to the environment as well as mitigation.

Construction is expected to temporarily add particulate to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). No unusual circumstances exist which warrant additional mitigation, per the SEPA Overview Policy.

Noise

Surrounding residential and business uses are likely to be slightly impacted by noise throughout the duration of construction. Due to the proximity of these uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), additional mitigation is warranted.

To reduce the noise impact of construction on nearby properties, construction activities shall generally be limited to non-holiday weekdays between 7:30 A.M. and 6:00 P.M. and Saturdays from 9:00 A.M. to 5:00 P.M.

Construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on residents living in the vicinity of the construction. Restricting the ability to conduct these tasks would extend the construction schedule, thus the duration of associated noise impacts.

DCLU recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case by case basis by approval of the Land Use Planner prior to each occurrence. Periodic monitoring of work activity and noise levels may be conducted by DCLU.

Long-term Impacts

Long-term or use-related impacts are anticipated as a result of approval of this proposal including: increased bulk and scale on the site; noise, traffic or parking in the area; demand for public services and utilities; and light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tight line release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies. However, due to the size and location of this proposal, additional land use impact which may have long term affects are discussed below.

Parking

No SEPA authority is provided to mitigate the impact of development on parking availability in the downtown zones (SMC 25.05.675 M).

Historic Preservation

Historic buildings, special historic districts, and sites of archeological significance are found within Seattle. The preservation of these buildings, districts and sites is important to the retention of a living sense and appreciation of the past. Special districts have been established to protect certain areas which are unique in their historical and cultural significance, including Pioneer Square. These areas are subject to development controls and project review by special district review boards. The Washington Shoe building is a contributing building in the National Register's Pioneer Square Historic District. A Certificate of Approval from the Pioneer Square Preservation Board and the Department of Neighborhood's Director is required for all exterior alterations and changes of use.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

CONDITIONS - SEPA

During Construction

The owner(s) and/or responsible party(s) shall:

1. To reduce the noise impact of construction on nearby properties, construction activities shall generally be limited to non-holiday weekdays between 7:30 A.M. and 6:00 P.M. and Saturdays from 9:00 A.M. to 5:00 P.M. Work outside these times may be authorized if undertaken within the specific context of a noise-mitigation plan submitted to DCLU and approved by the DCLU planner. Construction on the individual totally enclosed floors can be done at other times in accordance with the Noise Ordinance.

Signature: (signature on file) Date: October 20, 2003
Michael M. Dorcy, Land Use Planner
Department of Design, Construction and Land Use

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